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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,249	12/12/2003	Jean Cotteret	LORE:015US	9811

7590

04/19/2006

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EXAMINER

ELHILO, EISA B

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/735,249	COTTERET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eisa B. Elhilo	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,8,11,14,17-19,22-26 and 28-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8,11,22-26,28-51 and 56-78 is/are rejected.
- 7) ☒ Claim(s) 14,17-19 and 52-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1 This action is responsive to the amendment filed on February 15, 2006.

2 The cancellation of claims 2, 5, 7, 9-10, 12-13, 15-16, 20-21 and 27 is acknowledged.

Pending claims are 1, 3-4, 6, 8, 11, 14, 17-19, 22-26 and 28-78.

3 Claims 1, 3-4, 6, 8, 11, 22-26, 28-51 and 56-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (US 6,461,391 B1) in view of Cottard et al. (US 6,436,151 B2) for the reasons set forth in the previous office action that mailed on August 11, 2005.

4 Claims 14, 17-19 and 52-55 objected to for the reasons set forth in the previous office action that mailed on August 11, 2005.

### *Response to Applicant's Arguments*

5 Applicant's arguments filed 2/15/2006 have been fully considered but they are not persuasive.

With respect to the rejection of the claims under 35 U.S.C. 103(a) over Lim et al. (US' 391 B1) in view of Cottard et al. (US' 151 B1), Applicant argues that prima facie case of obviousness has not been established because there is no motivation or suggestion to combine the teachings of the references to arrive at the claimed invention.

The examiner respectfully disagrees with the above arguments because, Lim et al. (US' 151 B2) as a primary reference teaches a composition comprising cationic tertiary para-phenylenediamine compounds (see col. 2, formula (I)) and suggests the use of genus cationic polymers in the composition as conditioners (see col. 8, lines 63-67 and col. 9, lines 18-20). Cottard et al. (US' 151 B2) as a secondary reference teaches a dyeing composition comprising the polymers of the claimed formulae (Va) and (Vb) (see cols. 19-20, formulae (a) and (VIII)).

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Cottard et al. (US' 151 B2) also teaches the claimed species crosslinked methacryloyloxyethyltrimethylammonium chloride homopolymer as claimed in claim 1 (see col. 20, lines 50-51). Therefore, there is a sufficient motivation to one having ordinary skill in the art to incorporate the cationic polymers as taught by Cottard et al. (US' 151 B2) in the dyeing composition of Lim et al. (US' 391 B1) to arrive at the claimed invention with the reasonable expectation of success for conditioning purpose and would expect such a composition to have similar properties to those claimed in the absence of contrary.

Further, Applicants have not shown on record the criticality of the combination of cationic tertiary para-phenylenediamine with cationic polymers in the claimed composition over the composition of the closest prior art of record.

6      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eisa Elhilo  
Primary Examiner  
Art Unit 1751

April 15, 2006